

PH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

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CLERK, U.S. DISTRICT COURT

Delvin Jackson

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

1:16-cv-11581

Judge Marvin E. Aspen

Magistrate Judge Sidney I. Schenkier
PC11

vs.

James S. Holmes
Steven G. Stroner
Michael A. Kelley
James J. Cocchi
Charles M. Williams Jr.
Arthur S. Waniczek

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

COMPLAINT

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

Reviewed: 8/2013

I. Plaintiff(s):

- A. Name: Delvin Jackson
- B. List all aliases: _____
- C. Prisoner identification number: 20140225212
- D. Place of present confinement: Cook County Dept. Of Corrections
- E. Address: P.O. Box 089002 Chicago, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: James S. Holmes
Title: Lieutenant # 699
Place of Employment: CCDOC
- B. Defendant: Steven G. Stroner
Title: Sergeant # 3040
Place of Employment: CCDOC
- C. Defendant: Charles M. Williams Jr.
Title: Officer # 16775
Place of Employment: CCDOC

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D. Defendant: James J. Cochluti
Title: Officer #17102
Place Of Employment: CCDOC

E. Defendant: Michael A. Belley
Title: Officer # 46495
Place Of Employment: CCDOC

F. Defendant: Artur S. Warniczek
Title: Officer #17452
Place Of Employment: CCDOC

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: 16-CV-5746
- B. Approximate date of filing lawsuit: May 18, 2016
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____
- D. List all defendants: Albert F. Stubenvolt
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): United States District Court
- F. Name of judge to whom case was assigned: Marvin E. Aspen
- G. Basic claim made: Officer Assaulting Me
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Still Pending
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1 Jurisdiction & Venue

1. This is a civil action complaint authorized by U.S.C section 1983 to redress the deprivation under color of state law, of rights secured by the United States.

2. The Northern District of Illinois is an appropriate venue under 28 U.S.C section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

2. Plaintiff

3. Plaintiff Delvin Jackson; is one and was at all times mentioned herein a Pre Trial Detainee of the state of Illinois in the custody of Cook County Department of Corrections; in Chicago, Illinois.

3. Defendants

4. Defendant J. Holmes #699 is a Correctional Officer of the (CCDOC) who, at all times mentioned in this complaint held the rank of Lt. and was assigned to the Cook County Department of Corrections (CCDOC).
5. Defendant S. Stroger #3040 is a Correctional Officer at the (CCDOC) who at all times mentioned in this complaint held the rank of Sgt. and was assigned to the (CCDOC).
6. Defendant C. Williams J is a Correctional Officer at the (CCDOC) who at all times mentioned in this complaint held the rank of a Deputy Sheriff at the (CCDOC).
7. Defendant M. Kelly is a Correctional Officer at the (CCDOC) who at all times mentioned in this complaint held the rank of a Deputy Sheriff and was assigned to the (CCDOC).
8. Defendant J. Cocchi is a Correctional Officer at the (CCDOC) who at the time mentioned in this complaint held the rank of a Deputy Sheriff and was assigned to the (CCDOC).
9. Defendant A. Warniczek is a Correctional Officer at the (CCDOC) who at all times mentioned in this complaint held the rank of a Deputy Sheriff and was assigned to the (CCDOC).

10. Defendants J. Holmes #699, Sgt. S. Stronger #3040, C. Williams J, M. Kelly, J. Coletti, and A. Warniczek is sued in his individual and official capacity. At all times mentioned in this complaint each defendant acted under the color of State Law.

IV FACTS

11. On date of Friday March 18, 16 I Delvin Jackson was a Pre Trial Detainee housed at the Cook County Department of Corrections in Div II C-B.
12. On date of Friday March 18, 16 I Delvin Jackson and other Pre Trial Detainees were being shook down at about 5:30 p.m. in Div II CB, and the CIOs that were conducting the shake down were Lt. J. Holmes; Sgt. S. Stronger; C. Williams J; M. Kelly; J Coletti; and A. Warniczek.
13. After returning back from the gym to my cell; I looked around the cell and all of my property was thrown all over my bed and the floor and stuff mixed up with my cellmate.
14. After I started picking my stuff up and arranging it; I noticed that Three of my novels were missing, a whole bunch of my drawings, some tattoo books and other magazines.
15. Afterwards I went out and tried to talk to Lt. J. Holmes and ask him why was a lot of my stuff taken.
16. Lt. J. Holmes turned around and asked me what

the (F) did I want; then told me to go and lock the (F) up.

17. I asked Lt. J. Holmes could I talk to Sgt. Stroner; he said hell naw and didn't I tell you to go and lock the (F) up.

18. I asked Lt. J. Holmes again could I talk to Sgt. S Stroner; Lt. J. Holmes then pulled out a can of mace and then sprayed me in my face for no reason.

19. Afterwards Sgt. S. Stroner assisted Lt. J. Holmes and grabbed me by my waist and slammed me on the floor.

20. Then the other Cook County Deputies; M. Kelly, J. Cocuti; A. Warniczek; C. Williams J assisted Sgt. S. Stroner and dragged me to the wall under the camera handcuffed me then assaulted me.

21. Sgt S. Stroner had me by my arms while his knee was in my side trying to break my arm; C/O M. Kelly had me by my other arm and his knee in my side; C/O J. Cocuti had me by the head in a choke hold and C/O A. Warniczek had grabbed my feet and threw some shakles on me; along with C/O C. Williams J.

22. While all of this was going on Lt. J. Holmes come over and used unreasonable excessive force and punched me in my head about two times and punched me in my side and and back about three or four times

V Exhaustion Of Legal Remedies

23. Plaintiff Jackson used the grievance procedure available at the (CCDOC) to try and solve the matter.
24. On date of 3-22-16 the grievance was brought back to me and the Counselor told me to sign it. After the signing of the grievance; I heard nothing else about it.
25. I also filed a Office Of Professional Review Complaint on 3-22-16 and never heard anything else about Lt. J. Holmes assaulting me.

VI Legal Claims

26. Plaintiff recalls and incorporate by reference paragraphs 11-25.
27. Defendants Lt. J. Holmes; Sgt S. Stroner; C. Williams J. M. Kelly; J. Cocchi and A. Wapiczyk used excessive force against Plaintiff Jackson by maliciously and wantonly grabbing Plaintiff by the waist and slamming him to the floor; by spraying mace in his face for no apparent reason; and grabbing plaintiff by both arms trying to break them with their knees pressed in each side of my back; one officer grabbing me in a choke hold and the other two officers grabbing me by my feet.
28. Defendants Lt. J. Holmes; Sgt S. Stroner; C. Williams J. M. Kelly; J. Cocchi and A. Wapiczyk violated Plaintiff Jackson's Due Process and Civil and Unusual Punishment of the 8 and 14 Amendments to the U.S.C; and caused the Plaintiff Jackson pain and suffering, physical injury to the head and the back

and sick and extreme emotional distress.

29. Plaintiff Delvin Jackson has no plain; adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the Defendants of the (CCDOC), unless this court grants this declaratory and injunctive relief for which plaintiff seeks.

VII Prayer For Relief

30. Wherefore; plaintiff respectfully pray that this court enter judgment:

31. Granting Plaintiff Jackson a declaration that the acts and omissions described herein violates his rights under the Constitution and laws of the United States

32. A. preliminary and permanent injunction ordering Defendants J. Holmes; S. Stroner; M. Kelly; J. Caduti; C. Williams J. and A. Warniczek to cease physical violence towards Plaintiff Jackson and other Pre Trial Detainees,

33. Granting Plaintiff Jackson compensatory damages in the amount of \$50,000 against each defendant jointly and severally.

34. Plaintiff also seeks punitive damages in the amount of \$250,000 against each defendant, and;

35 Plaintiff also seeks recovery of costs in this suit;

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

36. And any additional relief that this Court deems just proper and equitable.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 16 day of Dec, 20 16

Delvin Jackson

(Signature of plaintiff or plaintiffs)

Delvin Jackson

(Print name)

20140225212

(I.D. Number)

P.O. Box 089007

Chicago, Illinois 60608

(Address)